

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13081 of Elinor Y. and Harry R. Sachse, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing parking in the front yard and less than ten feet from a dwelling (Paragraphs 7205.12 and 7205.21) in an R-1-B District at the premises 2934 Newark Street, N.W. (Square 2082, Lot 855).

HEARING DATE: October 24, 1979
DECISION DATE: November 7, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of the 2900 block of Newark Street, N.W., in an R-1-B District at the premises known as 2934 Newark Street, N.W.

2. The property is presently improved with a two-story frame house, with an entrance way, a part of which traverses public space. There are no off-street parking facilities on the property.

3. The applicants propose to remove the present entrance way, and replace it with a new entrance way adjacent to a new parking area.

4. The proposed parking space would be located on the east side of the lot, in front of the existing dwelling. Paragraph 7205.12 provides that parking spaces serving a residential use may be located in a side or rear yard. A variance is required to locate a space in a front yard.

5. The proposed parking space would abut the porch on the front of the house, as shown on the plat marked as Exhibit No. 2 of the record. Paragraph 7205.21 requires that no portion of an open parking space be located within ten feet of a one-family dwelling. A variance of the full ten feet is thus required.

6. The site slopes upward from east to west. There is also a drop in grade in the rear yard. It would be difficult to provide a driveway to the rear of the house to locate a parking space in the rear. There is no alley at the rear to otherwise provide access to the rear yard. Furthermore, the location of the house on the lot makes it unlikely that a parking space could be placed in the rear yard without still requiring a variance.

7. The dwelling was constructed prior to 1958. If it had been constructed under the Zoning Regulations now in effect, one off-street parking space would be required.

8. The applicants testified that given the increased commercial activity in the 3300-3400 blocks of Connecticut Avenue, N.W. less than one block from the subject property, on-street parking had become extremely difficult.

9. The applicants intend to landscape the front of their lot in a manner consistent with the other houses on the street and have had detailed plans drawn by a landscape architect to do so.

10. Advisory Neighborhood Commission - 3C submitted a letter to the Board dated October 15, 1979, in which the ANC took no position as to whether the application should be granted. The ANC did report that there is a severe parking problem in the 2900 block of Newark Street and other residential streets in the area, caused in part by the presence of commercial activities along Connecticut Avenue which do not have adequate parking. The ANC further reported that "no short-term alternative appears to exist that would ensure the Sachse family parking in the evenings and weekends within a 100 feet or so of their house." The ANC further reported that of the twenty homes in the 2900 block of Newark Street, six have no off-street parking, while the remaining fourteen have parking either in a garage or in open parking spaces.

11. The owner of 2930 Newark Street, N.W., the property immediately adjacent to the subject property to the east which is the side where the space will be located, supported the application.

12. There was one letter in opposition to the application from the owner of property located at 2942 Newark Street, west of the subject site. The opposition was based on the potential loss of trees and yard space, which could erode the residential character of the area. The Board finds that the subject application will not erode the character of the area. Almost three quarters of the houses in the block already have off-street parking. Furthermore, the applicants have stated their intention to re-landscape the front yard of the dwelling.

CONCLUSIONS OF LAW AND OPINION:


The Board concludes that the requested variances are area variances, the granting of which requires the showing of some exceptional situation or condition of the property which creates a practical difficulty for the owners. The Board concludes that the topography of the site and the location of the existing dwelling on the site preclude the location of a parking space on the site without requiring a variance, and thus create the practical difficulty for the owners.

The Board concludes that the variance requested can be granted without substantial detriment to the public good and without substantially impairing the intent purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The Board concludes that it has taken note of the comments of the Advisory Neighborhood Commission, and has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application be GRANTED.

VOTE: 3-0 (Walter B. Lewis and William F. McIntosh to GRANT, Leonard L. McCants to GRANT by PROXY, Charles R. Norris and Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 NOV 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.